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2 **STATE OF WASHINGTON**
3 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
4 **CONSUMER SERVICES DIVISION**

5 IN THE MATTER OF DETERMINING
6 Whether there has been a violation of the
7 Mortgage Broker Practices Act of Washington by:

8 FIDELITY MORTGAGE CORPORATION,
and NICHOLAS HAINES, Vice President
and Designated Broker, and SCOTT
BRITTENHAM, President,

Respondents.

NO. C-03-172-05-CO01

CONSENT ORDER

FIDELITY MORTGAGE CORPORATION

9 COMES NOW the Director of the Department of Financial Institutions (Director), through his designee
10 Chuck Cross, Division Director, Division of Consumer Services, and Fidelity Mortgage Corporation (Respondent
11 Fidelity) by and through its attorney Greg Cavagnaro, and finding that the issues raised in the captioned matter
12 may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is
13 entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the
14 Administrative Procedure Act, based on the following:

15 **AGREEMENT AND ORDER**

16 The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent
17 Fidelity have agreed upon a basis for resolution of the matters alleged in Statement of Charges No. C-03-172-04-
18 SC01 (Statement of Charges), entered November 12, 2004, (copy attached hereto). Pursuant to chapter 19.146
19 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act,
20 Respondent Fidelity hereby agrees to the Department's entry of this Consent Order and further agrees that the
21 issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent
22 Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it pertains to
23 Respondent Fidelity.

24 Based upon the foregoing:

25
CONSENT ORDER
FIDELITY MORTGAGE CORPORATION

1 A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the
2 activities discussed herein.

3 B. **Waiver of Hearing.** It is AGREED that Respondent Fidelity has been informed of the right to a
4 hearing before an administrative law judge, and that Respondent Fidelity has waived the right to a hearing and any
5 and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein.
6 Accordingly, Respondent Fidelity agrees to withdraw the appeal and to inform the Office of Administrative
7 Hearings in writing of the withdrawal.

8 C. **Mortgage Broker License Revocation.** It is AGREED that Respondent Fidelity's license to conduct
9 the business of a mortgage broker is revoked.

10 D. **Non-Compliance with Order.** It is AGREED that Respondent Fidelity understands that failure to
11 abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In
12 the event of such legal action, Respondent Fidelity may be responsible to reimburse the Director for the cost
13 incurred in pursuing such action, including but not limited to, attorney fees.

14 E. **Authority to Execute Order.** It is AGREED that the undersigned have represented and warranted
15 that they have the full power and right to execute this Consent Order on behalf of the party represented.

16 F. **Voluntarily Entered.** It is AGREED that the undersigned have voluntarily entered into this Consent
17 Order, which is effective when signed by the Director's designee.

18 G. **Completely Read, Understood, and Agreed.** It is AGREED that the undersigned have read this
19 Consent Order in its entirety and fully understand and agree to all of the same.

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1 **RESPONDENT:**2 **Fidelity Mortgage Corporation**3 **By:**4 
5 **SCOTT BRITTENHAM**
6 **President**Date 11-4-057 **NICHOLAS HAINES**8 **Vice President and Designated Broker**

Date _____

9 **Greg Cavagnaro, WSBA No. 17644**
10 **Attorney at Law**
11 **Attorney for Respondent Fidelity**

Date _____

12
13 **DO NOT WRITE BELOW THIS LINE**14
15 **THIS ORDER ENTERED THIS 16th DAY OF NOVEMBER, 2005.**
CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions**CONSENT ORDER**
FIDELITY MORTGAGE CORPORATION

3

DEPARTMENT OF FINANCIAL INSTITUTIONS
150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

11/04/2005 13:17 4255193651

LAWOFFICE :

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11/04/2005 10:43 FAX 360 664 0229

ABO, GCE DIVISION

005/012

1 **RESPONDENT:**

2 **Fidelity Mortgage Corporation**

3 **By:**

4 
5 **SCOTT BRITTENHAM**
6 **President**

11-4-05
Date

7 **NICHOLAS HAINES**
8 **Vice President and Designated Broker**

Date


9 
10 **Greg Cavagnaro, WABA No. 17644**
11 **Attorney at Law**
12 **Attorney for Respondent Fidelity**

11/4/05
Date

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26 
27 **CHUCK CROSS**
28 **Director**
29 **Division of Consumer Services**
30 **Department of Financial Institutions**

31 **CONSENT ORDER**
32 **FIDELITY MORTGAGE CORPORATION**

3

33 **DEPARTMENT OF FINANCIAL INSTITUTIONS**
34 **150 Israel Rd SW**
35 **PO Box 41200**
36 **Olympia, WA 98504-1200**
37 **(360) 902-8703**

RESPONDENT:**Fidelity Mortgage Corporation**

By:

SCOTT BRITTENHAM
President

Date

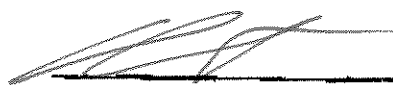

NICHOLAS HAINES
Vice President and Designated Broker

Date

Greg Cavagnaro, WSBA No. 17644
Attorney at Law
Attorney for Respondent Fidelity

Date

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CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions**CONSENT ORDER**
FIDELITY MORTGAGE CORPORATION

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150 Israel Rd SW
PO Box 41200
Olympia, WA 98504-1200
(360) 902-8703

1 **RESPONDENT:**

2 **Fidelity Mortgage Corporation**

3 **By:**

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5 **SCOTT BRITTENHAM**
6 **President**

Date

7
8 **NICHOLAS HAINES**
9 **Vice President and Designated Broker**

Date

10 **Greg Cavanaugh, WSEA No. 17644**
11 **Attorney at Law**
12 **Attorney for Respondent Fidelity**

Date

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